UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,850	07/30/2003	Anthony John Wiley	1509-408	6149

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EXAMINER
YUN, EUGENE

ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/629,850	WILEY ET AL.
	Examiner	Art Unit	
	Eugene Yun	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 October 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19 and 22-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-19 and 22-39* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>30 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-19 and 22-39 are rejected under 35 U.S.C. 102(e) as being anticipated

by Ohta (US 2001/0029531).

Referring to Claim 1, Ohta teaches a method of selecting one of a plurality of

printers 12A-12C (fig. 1) on a network to receive a file to be printed on the instigation of

a mobile device that can be held in one hand 11 (fig. 1), the network including the

plurality of printers and an access point 16 (fig. 1) for enabling messages from the

mobile device to be relayed to the plurality of printers via the network (see lines 13-19 of

paragraph [0037]) the method comprising:

wirelessly sending at least one user preference from the mobile device to the

access point thence to a network print controller (see lines 15-19 of paragraph [0037]),

the print controller 13 (fig. 1) responding to the sent preference by accessing

predetermined properties of the plurality of networked printers (see lines 18-23 of

paragraph [0037]).

Matching, at the network print controller, at least one of the predetermined properties of the plurality of networked printers with the sent at least one user preference (see lines 8-10 of paragraph [0007]), and

At the network print controller selecting the printer that is to print the file in accordance with the results of matching at least one of the predetermined properties of the plurality of networked printers with the at least one user preference (see lines 10-12 of paragraph [0007]).

Referring to Claim 16, Ohta teaches a method of printing a file to a selected printer 12A-12C (fig. 1) of a network including a plurality of printers, the printing being performed at the instigation of a mobile device that can be held in one hand 11 (fig. 1), the method comprising:

selecting a networked printer comprising:

wirelessly sending at least one user preference from the mobile device to an access point 16 (fig. 1), thence to a networked print controller 13 (fig. 1), the print controller responding to the sent preference by accessing predetermined properties of the plurality of networked printers (see lines 15-23 of paragraph [0037]),

matching, at the networked print controller, at least one of the predetermined properties of the plurality of networked printers with the at least one user preference (see lines 8-10 of paragraph [0007]), and

at the network print controller, selecting the printer that is to print the file in accordance with the results of matching at least one of the predetermined properties of the plurality of networked printers with the at least one user preference (see lines 10-12

of paragraph [0007]), and transmitting the file to the selected printer for printing (see

lines 12-14 of paragraph [0007]).

Referring to Claim 22, Ohta teaches an apparatus for selecting one of plural

printers of a network including a plurality of printers 12A-12C (fig. 1), the selected printer

being arranged to receive a file to be printed on the instigation of a mobile device, the

network having an access point 16 (fig. 1) for providing access to devices on the

network in response to a wireless message from the mobile device 11 (fig. 2) the

wireless message including the file to be printed and a reference for printer capability for

the file to be printed (see lines 30-36 of paragraph [0037]), the apparatus comprising:

a print controller 13 (fig. 1) connected via the network to the plurality of printers of

the network and having access to predetermined properties of the plurality of networked

printers of the network; the print controller being arranged to receive at least one user

preference from the mobile device via the access point (see lines 15-23 of paragraph

[0037]); and

including a matching arrangement adapted to match at least one of the

predetermined properties of the printers with the at least one user preference (see lines

10-12 of paragraph [0007]), and to select the printer that is to print the file in accordance

with results of the match (see lines 10-14 of paragraph [0007]).

Referring to Claims 2 and 24, Ohta also teaches determining a location of the

mobile device relative to the access point 16 (fig. 1) of the network by measuring a

transmitted wireless signal strength as transmitted from the current location of the

mobile device and received at the access point (see lines 15-23 of paragraph [0037]);

wherein sending at least one user preference from the mobile device to a

networked print controller comprises transmitting the measured signal strength to the

print controller via the network (see lines 7-9 of paragraph [0058]);

wherein matching at least one of the predetermined properties of the plurality of

networked printers with the at least one user preference comprises combining

indications of the measured wireless signal strength at the mobile device with a plurality

of stored wireless signal strengths between the access point and each of the printer

locations and comparing the combined indications (see lines 1-11 of paragraph [0058]);

and

wherein selecting the printer that is to print the file comprises selecting a printer

to send the file to having the best match resulting from the comparing step (see lines 9-

15 of paragraph [0058]).

Referring to Claims 3 and 4, Ohta also teaches selecting at least one print

requirement for the file, and communicating the print requirement to the print controller,

wherein matching at least one of the predetermined properties of the plurality of

networked printers with the at least one user preference comprises comparing the at

least one print requirement with the predetermined abilities of each of the networked

printers and the selecting step comprises excluding all printers that do not have the

desired at least one print requirement (see paragraph [0040]).

Referring to Claim 5, Ohta also teaches the predetermined abilities of the printers

stored in the print controller and the method further comprises retrieving the stored

predetermined abilities (see lines 4-6 of paragraph [0007]).

Referring to Claims 6, 7 and 8, Ohta also teaches the predetermined abilities of

the printers are stored remotely from the print controller and the method further

comprises retrieving the stored predetermined abilities from the remote store (see lines

4-10 of paragraph [0007]).

Referring to Claim 9, Ohta also teaches matching at least one of the

predetermined properties of the plurality of networked printers with the at least one user

preference comprises comparing at least one of the current number and size and print

jobs in each of the printers' memories and selecting the printer that is to print the file

comprises selecting the printer with the lowest number and/or size of print jobs (see

paragraph [0037]).

Referring to Claim 10, Ohta also teaches selecting the printer that is to print the

file comprises selecting the printer having its strongest signal strength from the same

access point as that of the strongest signal strength of the mobile device (see

paragraph [0058]).

Referring to Claim 11, Ohta also teaches the network comprises a plurality of

access points 16, 13-2, and 12A1-12C1 (fig. 19A noting that the print server can now be

used as an access point) and the strongest signal strengths of the printer and the

mobile device are equal, and selecting the printer that is to print the file further

comprising selecting the printer having its second strongest signal strength from the

same access point as that of the second strongest signal strength of the mobile device

(see paragraph [0058] noting that the user can select the printer in paragraph [0007]).

Referring to Claim 12, Ohta also teaches the network comprises a plurality of access points 16, 13-2, and 12A1-12C1 (fig. 19A noting that the print server can now be used as an access point) and selecting the printer that is to print the file comprises selecting the printer having the largest number of non-zero signal strengths of the access points in common with the measured signal strengths at the mobile device (see paragraph [0058] noting that the user can select the printer in paragraph [0007]).

Referring to Claim 13, Ohta also teaches displaying to the user a list of details of a plurality of best-matched printers suitable for unique selection and selecting the printer that is to print the file further comprising the user manually selecting one of the printers on the list (see paragraphs [0007] and [0048]).

Referring to Claim 14, Ohta also teaches displaying to the user a list of details of a plurality of best-matched printers suitable for unique selection comprises displaying the actual location of each of the plurality of best-matched printers (see paragraph [0048]).

Referring to Claim 15, Ohta also teaches sending to the mobile device a map of directions to the selected printer, a set of audio or written directions to the selected printer or a selected printer location name (see paragraph [0044]).

Referring to Claims 17 and 26, Ohta also teaches the file stored on the mobile device, is transmitted to the print controller via a the access point and subsequently forwarded from the access point onto the selected printer for print out (see paragraph [0037]).

Referring to Claims 18 and 27, Ohta also teaches the file stored on a networked

file server, and is selected by the mobile device and subsequently sent to the selected

printer for print out by the print controller (see paragraph [0007]).

Referring to Claims 19 and 28, Ohta also teaches accessing the relevant printer

driver for the selected printer from a plurality of printer drivers stored at the print

controller (see paragraph [0007]).

Referring to Claim 23, Ohta also teaches a program storage medium or device,

readable by a machine, tangibly embodying a program of instructions executable by the

machine to perform a method of selecting one of a plurality of printers 12A-12C (fig. 1)

on a network to receive a file to be printed on the instigation of a mobile device that can

be held in one hand 11 (fig. 1).

Referring to Claim 25, Ohta also teaches a program storage medium or device,

readable by a machine, tangibly embodying a program of instructions executable by the

machine to perform a method of printing a file to a selected printer 12A-12C (fig. 1) of a

network including a plurality of printers, the printing being performed at the instigation of

a mobile device that can be held in one hand 11 (fig. 1), the method comprising

selecting a networked printer (see lines 10-12 of paragraph [0007]).

Referring to Claims 29-33, Ohta also teaches the network including plural access

points that are wirelessly in range of the mobile device (see 16, 13-2, and 12A1-12C1 of

fig. 19A noting that the print server can now be used as an access point), the network

being arranged so that the plurality of printers can communicate with the plurality of

access points via the network (see lines 11-15 of paragraph [0037]), the method further

comprising:

Measuring the strength of the signals as received at the plurality of access points

as transmitted from the mobile device (see lines 1-5 of paragraph [0058]);

Combining indications of the measured signal strengths with stored signal strains

for transmission of signals between the access points and the plural printers to derive

indications of total signal strengths from the mobile device to the plurality of printers via

all existing signal paths from the mobile device to the plurality of printers and including

the plurality of access points (see lines 1-11 of paragraph [0058]); and

Selecting the printer on the basis of the indications of the total signal strengths

(see lines 9-15 of paragraph [0058).

Referring to Claim 34, Ohta teaches a method of selecting one of a plurality of

printers 12A-12C (fig. 1) in a network to receive a file to be printed on the instigation of a

mobile device 11 (fig. 1), the network including the plurality of printers and plural access

points that are wirelessly in range of the mobile device (see 16, 13-2, and 12A1-12C1 of

fig. 19A noting that the print server can now be used as an access point), the network

being arranged so that the plurality of printers can communicate with the plurality of

access points via the network (see lines 11-15 of paragraph [0037]), the method further

comprising:

Measuring the strength of the signals as received at the plurality of access points

as transmitted from the mobile device (see lines 1-5 of paragraph [0058]);

Combining indications of the measured signal strengths with stored signal strains

for transmission of signals between the access points and the plural printers to derive

indications of total signal strengths from the mobile device to the plurality of printers via

all existing signal paths from the mobile device to the plurality of printers and including

the plurality of access points (see lines 1-11 of paragraph [0058]); and

Selecting the printer on the basis of the indications of the total signal strengths

(see lines 9-15 of paragraph [0058).

Claims 36 and 38 have similar limitations as claim 34.

Referring to Claims 35, 37, and 39, Ohta also teaches transmitting the file to the

selected printer for printing (see lines 4-7 of paragraph [0060]).

Response to Arguments

3.   Applicant's arguments with respect to claims 1-19 and 22-39 have been

considered but are moot in view of the new ground(s) of rejection.

4.   Applicant's arguments filed 10/26/2006 have been fully considered but they are

not persuasive.

In response to the statement that the Haines reference is not of record, the

examiner made a typographical error in mistakenly referring to the Haines reference

instead of the Ohta reference. However, it should be obvious from the name cited in the

heading that the examiner's citations were to be referring to the Ohta reference. The

examiner apologizes for the error.

The applicant amended the claims to overcome the Ohta reference by adding the limitations of a access point which relays the wireless signals from the mobile device to the print device, stating that in the Ohta reference, there is only direct communication between the mobile device and the print device. While that may be true for some embodiments such as the one in fig. 2, the examiner believes that the applicant has overlooked other embodiments such as the one in fig. 1, which clearly indicate an access point 16 which relays signals between the mobile device and print device.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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